

Staff Response to Mesa Refinery Watch Group's Suggested Conditions of Approval

#	Suggested MESA Watch Group Condition	Where Addressed in Conditions	Comments
1	Exact Conditions Of Operation Must Be Specified	1b, 1c, 1d, 34, 73, 74, 76	This set of conditions cover limitation on the operation of the rail terminal such as maximum number of train per week and year, number of unloading facilities and track, type of rail cars, hour of operation, limits on type of material that can be delivered to refinery by rail.
2	The Maximum Number Of Trains Unloaded Per Year Must Be Specified	1b	Specifies maximum of 150 trains per year.
3	Phillips Must Provide A Plan For Track Construction	1g, 1h, 5, 11, 12, 16, 27, 39, 41, 64, 71,75	Applicant is required to submit to County for approval a large number of construction plans that include but are not limited to a site plan, floor plan, architectural elevations, landscape plan, drainage plans, erosion and sedimentation control plans, grading plans, dust control plan, sensitive species management plan, dune habitat restoration plan, site specific geotechnical investigation report, storm water pollution prevention plan, etc.. Both the grading and site plans would cover the details on the track layout and construction.
4	Onsite At The Refinery -- Phillips Must Own And Operate The Least Polluting Locomotives	None	<p>The benefit of reduced air emissions from use of Tier 4 locomotives on site for the positioning and switching operations would likely be offset by the increased air emissions associated with the additional switching operations for changing out the locomotives for arrival and departure, and the additional truck emissions associated with the delivery of diesel fuel to the refinery. Therefore, this measure has not been added to the conditions of approval.</p> <p>Over time, it is expected that the use of Tier 4 locomotives will increase as older locomotives are retired or rebuilt and newer locomotives are added to the UPRR fleet.</p>
5	The Need For A Detailed Plan Regarding Phillips' Approach To Reducing Diesel Particulate Pollution Emanating From The Rail Terminal	1b, 31, 32, 34	<p>The approach to limiting DPM from the locomotives on site is:</p> <ol style="list-style-type: none"> 1. Limit the number of trains per week to three and the annual number of trains to 150. 2. Limit hours of operation of locomotives to between 7 a.m. and 7 p.m. 3. Limit locomotive idling to no more than 15 minutes. <p>Also, Applicant is required to plan the detailed method used for reducing the onsite emissions from both fugitive components and from other sources to limit</p>

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			onsite emissions of ROG+NO _x and DPM. Applicant is also required to secure SLOCAPCD approved emission reductions for onsite emissions of ROG+NO _x and DPM above the allowable thresholds.
6	No Diesel Locomotives Operated During Days Of Air Pollution Health Risk	None	This would be difficult to implement and enforce.
7	Restrictions On The Idling Of Trains	32	Limits locomotive idling to no more than 15 consecutive minutes except when idling is needed for safety purposes.
8	The Fence Line Around The Rail Terminal And Refinery Must Meet EPA Monitoring Standards	15	<p>County staff is not aware of any requirement that EPA has for fence line monitoring for this type of facility. The project would require an ATC/PTO from the SLOCAPCD. Before this type of permit can be issued, the SLOCAPCD must demonstrate that the project will not result in any exceedances of applicable Federal and State air quality standards and the property line.</p> <p>Also as part of the County monitoring for the project, air quality sampling could be conducted as needed to determine if the project is resulting violations of any Federal or State air quality standards at the property line.</p>
9	The Petroleum Coke From Tar Sands Must Be Studied And Its Dust Must Be Mitigated	None	<p>As discussed in the FEIR, the coke from the Canadian tar sands is not expected to be different from the current coke production. As shown in Table 2.7 of the FEIR the nickel and vanadium concentration in the coke are expected to be less than the typical crude blend processed at the SMR.</p> <p>As specified in the Memorandum of Agreement for Coke and Sulfur Storage and Handling Plan, dated May 11, 2011, the coke piles must be kept moist to prevent any dust. This Memorandum of Agreement is between the Applicant and the SLOCAPCD and would remain in effect with the rail project. This Memorandum of Agreement serves to mitigate the impacts of dust from the existing coke piles.</p>
10	Limiting The Destruction Of The Buffer Zone	1g, 43, 46	The conditions of approval specify the exact amount of acreage that can be disturbed as part of the development of the rail spur project. Conditions require the staking and fencing of construction areas and limits construction activities to these areas.

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11	Increasing The Buffer Zone By Reducing The Length Of Crude Oil Trains	None	As discussed in Chapter 5 of the FEIR, the alternative of reduced train length would result in an increase in the number of trains that would need to service the refinery to deliver the same amount of crude. Shorter trains would increase overall air emissions and the potential for accidents along the mainline due to more train miles assuming the delivery of the same amount of crude to the refinery. For this and other reasons, this alternative was dropped from further consideration. See Section 5.2.5 of the FEIR for more discussion on the shorter unit train alternative.
12	Onsite At The Refinery -- Specific Locomotive And Rail Terminal Shut Down Times	34, 76	These two conditions limit the hours that locomotives can operate at the refinery to between 7 a.m. and 7 p.m. for the purposes of moving rail cars around the facility. Trains that arrive at the refinery outside these hours can pull into the site, but then must shutdown until the allowable locomotive operating hours.
13	Strict Limitations On Noise Levels	15, 76, 78	This conditions requires the development of a Rail Unloading and Management Plan that addresses procedures to minimize noise levels at the rail spur. Also, operation of the rail spur must comply with the SLO County noise ordinance, which specifies allowable noise levels. Monitoring by the County would include checking noise levels at the property line to assure compliance with the County Noise Ordinance.
14	Creation Of Visual Models Of What The Rail Terminal Will Look Like	None	Visual simulations of the proposed rail facility were developed as part of the environmental review process and are included in the FEIR. These were used as part of the visual assessment to determine the visual impacts and to develop the mitigation measures, which are now part of the proposed conditions of approval.
15	Installation Of Landscape Screening	18	This condition has been modified to require that the Habitat / Landscape Revegetation Plan include screening landscaping along the western edge of the rail spur facility fence line.
16	A Berm That Is Far Higher Than Indicated In The Final EIR	16	This condition requires a berm that is 25 feet tall above the existing grade. This is five to 15 feet higher than indicated in the FEIR. Since the rail tracks will be about 15 feet below the existing grade, the overall height on the berm on the rail side would be about 40 feet.
17	Reduced Lighting At Night	1i, 19, 20	The height and spacing of the lighting has been specified, and the lights would be dark sky complaint. The conditions of approval requires the development of

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			<p>a lighting plan that must be approved by the County, and requires at a minimum:</p> <ol style="list-style-type: none"> 1. Direct views of all lighting sources shall be directed downward and shielded from view from public roads. 2. Lights shall be designed and constructed to reduce illumination of the adjacent slopes and dunes where applicable. 3. No lights shall be placed east of any portion of the screening berm. 4. Lighting for all rail spur perimeter fencing shall be equipped with motion sensors for activation rather than left on continuously. <p>Within six months following completion of construction, a Lighting Evaluation Report shall be submitted to the Department of Planning and Building for review and approval. The purpose of the Lighting Evaluation Report shall be to assess and correct any unexpected or residual lighting impacts following project completion.</p>
18	Odors From The Crude Oil Unloading Facility Must Be Monitored And Contained	15, 36	The conditions require the Applicant to update the existing refinery odor control plan, which must be approved by the SLOCAPCD. The conditions require that monitoring of odors from the rail facility and the other portions of the SMR potentially affected by a change in crude oil slate, shall be included in the Plan and shall be conducted by an independent third party monitor, retained by the County of San Luis Obispo Department of Planning, for the first three months of operation during each unit train visit. The County monitoring condition would allow the County to conduct odor monitoring at the site for the lifetime of the project on an as needed basis.
19	Onsite At The Refinery -- Utilization Of Only State-Of-The-Art Crude Oil Tankers	73	This condition requires the use of DOT-117/117P rail cars only. The condition requires that in the future, if DOT establishes more stringent rail car standards for Class 3 Flammable Liquids, that the most stringent rail cars be used.
20	Onsite At The Refinery -- All Trains Must Be Equipped With Positive Train Control Braking Systems	None	Positive Train Control (PTC) is a set of highly advanced technologies designed to make freight rail transportation safer by automatically stopping a train before certain types of accidents occur. In 2008, Congress passed legislation requiring America's privately owned railroads to finance, develop, install and test PTC across 60,000 miles of the nation's rail network by December 31, 2015.

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			<p>As the deadline approached, railroads and freight rail customers made it clear that they would not meet the deadline.</p> <p>In response, Congress passed the Surface Transportation Extension Act of 2015, which provides a three-year extension to 2018 for the installation of PTC. The new law also allows up to two additional years to finalize full implementation and testing of PTC provided the railroads meet specific benchmarks.</p> <p>PTC would not be applicable to operation on the rail unloading site. Without PTC on the tracks and locomotives, having it installed on the rail cars would serve no purpose. Since this measure affects UPRR operations, the County is likely preempted from requiring the installation and use of PTC.</p>
21	The Training That Phillips Workers Must Have When Working Under A Crude-By-Rail Delivery Model Must Be Specified In Detail	None	
22	An Enforcement Fund And Random Inspections By The County To Ensure Compliance With Conditions Of Approval	15	This condition covers County monitoring costs and implementation for the life of the rail spur project. All monitoring costs must be covered by the Applicant. The monitoring would include random inspections and ongoing monitoring for the life of the project to assure the Applicant is complying with all the conditions of approval.
23	Phillips Must Pay To Relocate Schools In The Blast Zone	None	
24	Phillips Must Pay To Train Teachers About Response To Crude Oil Train Derailments	None	
25	Phillips Must Pay For Updated Hospital Disaster Preparedness And County-Wide Drills	None	
26	Phillips Must Pay To Train All Emergency Service Responders In SLO County	86, 87, 88	<p>The conditions of approval include various training requirements for SLO County emergency service providers that include the following:</p> <ol style="list-style-type: none"> 1. Training for emergency responders to railcar emergencies, such as the 40-hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. Initial

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			<p>training shall be two members of the Interagency Hazardous materials Response Team, two members of the interagency Urban Search and Rescue Team, and two members annually from Cal Fire/County Fire or fire districts in San Luis Obispo that have automatic aid agreements with Cal Fire/County Fire for a total of six slots per year for the life of the project.</p> <p>2. Fire Chief Officer attendance such as the 40 hour course offered by Security and Emergency Response Training Center; Leadership & Management of Surface Transportation Incidents. Funding shall be for two Fire Chief Officers annually for the life of the project.</p> <p>3. Conduct annual emergency response scenario/field based training including Emergency Operations Center Training activations with the Applicant, Cal Fire/County Fire, UPRR, and other San Luis Obispo County First response agencies that have mutual aid agreements with Cal Fire/County Fire. These annual emergency response drills shall occur for the life of the project.</p> <p>These conditions of approval were developed in coordination with Cal Fire/County Fire during the environmental review process.</p>
27	Phillips Must Pay For Firefighting Foam & Equipment	1, 80, 81, 82	<p>These conditions require the Applicant to update the existing refinery emergency response plan and spill prevention control and countermeasure plan to include the onsite rail activities. These plans list the fire prevention and spill control equipment that is available onsite, which the Applicant is responsible for supplying. Also, the project description from the FEIR is incorporated into the conditions of approval. The project description details the proposed fire protection equipment that would be installed at the rail unloading facility. Also, the Applicant must submit a fire protection plan to Cal Fire/County Fire for approval. This plan must meet all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire. This plan would also detail all of the firefighting foam and equipment that would be part of the rail spur project.</p>
28	Phillips Must Post A Bond To Address The Issue Of Potential Damage To Residents, Property And The Environment	None	
29	An Array Of Conditions Must Be Imposed During Construction Of The Rail Terminal	1, 8, 9, 11, 12, 13, 16, 17, 22, 23, 24, 25, 26,	<p>The proposed conditions of approval contain a large number of construction related conditions that address air quality, biological resources, cultural</p>

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30	Each Month There Will Be A Complete Review Of All Impacts And Compliance Issues	15	This condition covers the County monitoring of construction and operation for the life of the project. The purpose of the condition is to assure that the Applicant complies with all of the conditions of approval. Typically, county monitors generate compliance reports for the project on a regular basis. The frequency of these reports depends upon the level and type of activity occurring at the project site.
31	Phillips Must Maintain A Complaint Line For Use By The Public And Respond In A Timely Manner	15	This condition requires Applicant to have a 24-hour phone line for complaints related to the construction and operation of the project.
32	If Phillips Rejects Or Defeats The Conditions Of Approval, The County Must Adopt A "Poison Pill"	3	This condition discusses what action has to be taken in the event that any of the conditions of approval are found to be unenforceable. This condition covers the Applicant as well as other parties.